

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DeFRANCO,
Plaintiff,

V.

WILLIAM WOLFE, et al.,
Defendants.

:
: No. C.A. 04-230-E
: Magistrate Judge Baxter
: District Judge Cohill
:
:
:

MOTION TO COMPEL FULL DISCOVERY

Plaintiff respectfully requests this Honorable Court issue an Order compelling full and complete discovery and in support avers:

1. Plaintiff has a motion to compel currently pending before the Court.
2. On April 3, 2006, plaintiff did receive some of the discovery requests; however, all was objected to, but counsel did provide redacted "vote sheets" involving z-code status (see, DOC #160, redacted vote sheets). Also, counsel failed to provide a copy of the 2000 vote sheet that gave plaintiff the z-code.
3. Defense counsel is objecting to all requests claiming privileged and confidential information. As this Court is aware, these vote sheets and the z-code policy used to determine an inmates need is essential to this case. In fact, the policy and vote sheets bear directly on the cause of actions raised. Specifically, it has been alleged by plaintiff that the defendants retaliated against him in the form of removing the medically required z-code which was deliberately indifferent to his known medical needs.
4. Plaintiff needs the department of corrections z-code policy in order to show and prove his case. The policy itself is being challenged; and to ascertain whether the defendants have acted in

bad faith. In order to eliminate any concern over the dissemination of the policy by plaintiff, plaintiff avers under oath that he will not disseminate the policy to anyone and will return the copy provided at the conclusion of this case.¹

5. Defense counsel has redacted the "comment" sections out of the disclosed vote sheets. Plaintiff asks this Court to issue an Order directing that he be provided with copies of all of his z-code vote sheets, "un-redacted". Counsel claims these comments are confidential. However, plaintiff submits that these comments are a vital part of his case as the comments will show the defendants, and those acting in concert with them, bad faith. The comment section will also reveal the writers state of mind. Whether positive or otherwise. It is obvious that defense counsel is making broad objections and redacting writings that would better serve the record of this case if counsel would disclose the vote sheets in their entirety.

6. Certainly the comments made about plaintiff while at SCI Smithfield are required as they would reveal the medical need of z-code status. Furthermore, these comments are simply staff writings to clarify why they voted a certain way. These comments should be disclosed to plaintiff as their value is worth more revealed than any harm they *may* cause by revealing them.

7. As this Court is aware, plaintiff is serving a life sentence and has a very limited institutional program plan. Therefore it would be hard to argue that he would use any information to allegedly manipulate the classification system on himself. These arguments made by the defendants are merely speculative and should be denied.

¹ Inside the defendants Response, they have directed plaintiff to file a request to the superintendent's assistant, Bill Barr. This in regards to disclosure of his medical records and inmate file. Plaintiff has sent the superintendent's assistant a request on April 3, 2006, asking he be permitted to inspect and copy pages from his medical, psychiatric, psychological and inmate files.

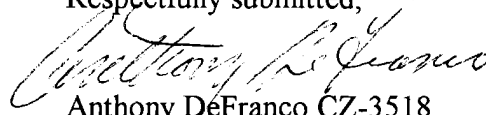
8. The information sought is absolutely needed and it is asked that the Court not entertain any of the defendants arguments that this information *could* be used to manipulate anything. The argument is speculative at best. In the best interest of justice, the Court should grant plaintiff's motion to compel.

WHEREFORE, Plaintiff asks this Court to issue an Order compelling the defendants' to turn over all of his z-code vote sheets (un-redacted) and to provide him with a copy of the z-code policy, consistent with the requests made herein.

Date:

4/5/06

Respectfully submitted,



Anthony DeFranco CZ-3518
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Certificate of Service

Service of the foregoing was made this date to the Attorney General's Office, 564 Forbes Ave., Pgh., Pa. 15219.